

Order

Michigan Supreme Court
Lansing, Michigan

September 27, 2006

Clifford W. Taylor,
Chief Justice

130995

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

GOCH PROPERTIES, L.L.C.,
Plaintiff-Appellant,

v

SC: 130995
COA: 269014
Wayne CC: 04-438909-CZ

C. VAN BOXELL TRANSPORTATION,
INC.,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the March 24, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Wayne Circuit Court for reconsideration of plaintiff's motion to set aside its acceptance of the case evaluation. The circuit court erred in holding that it did not have discretion to consider the motion. See *State Farm Mutual Automobile Ins Co v Galen*, 199 Mich App 274 (1993). Nothing in *CAM Construction v Lake Edgewood Condo Ass'n*, 465 Mich 549 (2002), which holds that a case is fully settled when both parties accept a case evaluation award, precludes a party from filing a motion to set aside a case evaluation award.

We do not retain jurisdiction.



d0920

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 27, 2006

Corbin R. Davis

Clerk